STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7609

Petition of New England Power Company, d/b/a)
National Grid, for a Certificate of Public Good,)
pursuant to 30 V.S.A. Section 248(j), authorizing)
the so-called E205W Transmission Line)
Reconductoring and Refurbishment Project in the)
Towns of Readsboro and Whitingham, Vermont)

Order entered: 7/19/2010

I. INTRODUCTION

This case involves a petition filed by New England Power Company, d/b/a National Grid ("the Company" or "NEP"), requesting a certificate of public good ("CPG") under 30 V.S.A. § 248(j) for the reconductoring and refurbishment of NEP's 230 kV E205W line located in Readsboro and Whitingham, Vermont. In today's Order, we conclude that the proposed project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

II. PROCEDURAL HISTORY

On March 16, 2010, NEP filed a petition with the Public Service Board ("Board") requesting a certificate of public good under 30 V.S.A. § 248(j) to reconductor and refurbish the 230 kV E205W line in Readsboro and Whitingham, Vermont. NEP submitted prefiled testimony, proposed findings, and a proposed order pursuant to the requirements of 30 V.S.A. § 248(j).

Notice of the petition was sent on April 7, 2010, to all entities specified in 30 V.S.A. § 248(a)(4)(c) and other interested parties. The notice stated that any party wishing to submit comments as to whether the petition raises a significant issue with respect to the substantive criteria of 30 V.S.A. § 248 needed to file comments with the Board on or before May 7, 2010. A

similar notice of the filing was published in the *Brattleboro Reformer* and the *Bennington Banner* on April 9, 2010, and April 16, 2010.

On April 7, 2010, the Clerk of the Board issued a memorandum requesting additional information regarding NEP's petition. In a letter dated April 21, 2010, NEP filed the required information.

On May 10, 2010, the Vermont Department of Public Service (the "Department") filed a letter stating that the petition does not raise a significant issue with respect to the substantive criteria of Section 248. Also on May 10, 2010, the Department filed a determination ("DPS Determination") pursuant to 30 V.S.A. § 202(f) that the petition is consistent with the Vermont Electric Plan provided that NEP's actions are consistent with the petition and testimony.

On May 13, 2010, the Clerk of the Board issued a memorandum requesting additional information regarding NEP's petition. In a letter dated June 8, 2010, NEP filed the required information.

No other comments were received.

III. FINDINGS

1. NEP is a subsidiary of National Grid USA, a Delaware Corporation, which is a subsidiary of National Grid plc. NEP is a Massachusetts corporation engaging primarily in the business of wholesale transmission of electricity and is qualified to transact business in Vermont as a foreign corporation. The petitioner is a company as defined by 30 V.S.A. § 201 and as such is subject to the Board's jurisdiction. Petition at 1.

2. The proposed project will involve the reconductoring and refurbishing of a three-mile section of the E205W transmission line, including a segment that ties into the Harriman Hydroelectric Development Substation, in the towns of Readsboro and Whitingham, Vermont. The proposed project will include replacement or refurbishment of deteriorated structures on the line, increases in the height of some structures to provide adequate conductor clearance to ground, and the replacement of the shield wire on the line from Structure 230 to the Vermont/Massachusetts State line. The proposed project is intended to increase the reliability of the transmission line in certain contingency situations, improve the lightning performance of the

line, and replace deteriorated structures near the end of their useful lives. Petition at 2; Farrell pf. at 2 and 6; Olausen pf. at 4.

3. The existing E205W transmission line is a 230 kV line constructed in the early 1960s that serves as an extra high-voltage ("EHV") connection between the New England and New York electrical transmission systems. Farrell pf. at 3 and 4.

4. The E205W line is located on a private right-of-way that has two typical widths. From the New York/Vermont State line to Structure 230 in Readsboro Vermont, the width is one hundred twenty-five (125) to one hundred fifty (150) feet wide. From Structure 230 in Readsboro, Vermont, to the Vermont/Massachusetts State line, the right-of-way is typically three hundred (300) feet wide. Farrell pf. at 3-4; exh. JTF-2.

5. The majority of the structures on the E205W line are wooden H-Frame type structures with steel cross-arms. The remaining structures are guyed three-pole structures or A-Frame structures, which are used to address angles in the line. Farrell pf. at 3 and 4; exh. JTF-3.

6. There are a total of three structures in Readsboro, Vermont, and all of these structures are planned for replacement due to deterioration. There are 31 structures in Whitingham, Vermont, on the E205W line. Of these 31 structures, 25 are to be replaced completely, four are to have a cross-brace installed, and two are to remain as they are today. The heights of the new structures will be no more than ten feet greater above ground level than the existing structures. The average height of the existing structures is 64.57 feet. The average increase in height for the proposed new structures is 2.89 feet. Farrell pf. at 6; exh. WC-3.

7. Phasing on the line will remain as it is today, configured C-B-A from north to south across the right of way. Farrell pf. at 7.

8. The majority of the E205W line currently has 795 aluminum steel supported ("ACSS") "Condor" conductor in place. The section of the line associated with the proposed project currently has 795 all aluminum ("AAC") "Arbutus" conductor in place. The portion of the E205W line conductored with 795 AAC "Arbutus" is to be replaced with 795 ACSS "Condor." Farrell pf. at 5.

9. The existing shield wire is being replaced to improve the lightning performance of the line. Farrell pf. at 6.

10. Where new structures are to be installed, the grounding of the structure will be enhanced to ensure better overall grounding on the line. This enhancement will be accomplished by supplementing the standard grounding system utilized by NEP with additional driven ground rods or short lengths of counterpoise where standard grounding systems do not provide adequate ground impedance levels. Farrell pf. at 6-7.

11. The proposed configuration of the E205W line will be as it is today. The conductor is currently configured in a horizontal manner supported by 38-foot, 3-inch steel cross-arms and porcelain ball-and-socket insulator strings. Farrell pf. at 7.

12. The existing structure type and configuration will be used for the proposed project in Vermont with the exception of structure 229 located in Readsboro, which is currently an A-Frame structure that will be converted to a three-pole dead-end pull-off structure to reduce structure footprint and to conform to current Company standards. Farrell pf. at 7.

Orderly Development of the Region

[30 V.S.A. § 248(b)(1)]

13. The proposed project will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipalities. This finding is supported by findings 14 through 17, below.

14. NEP submitted notice of the proposed project to the Windham Regional Commission, the Readsboro and Whitingham Planning Commissions, and the Readsboro and Whitingham Selectboards on January 21, 2010, pursuant to Section 248(f). Neither the towns nor commissions submitted any objections. Farrell pf. at 9.

15. The proposed project complies with the provisions for energy, natural resources, land use and scenic resources in the Readsboro Town Plan. Farrell pf. at 10 and 11; exh. JTF-7.

16. The proposed project complies with the provisions for energy, land use, scenic, cultural and natural resources and rural lands in the Whitingham Town Plan. Farrell pf. at 12 and 13; exh. JTF-8 at 24, 27, 31 and 37.

17. The proposed project complies with the provisions for energy, land use, and natural resources in the Windham Regional Plan. Farrell pf. at 14 and 15; exh. JTF-9 at 34 and 47.

Need for Present and Future Demand for Service

[30 V.S.A. § 248(b)(2)]

18. The proposed project is required to meet present and future demand for service which could not otherwise be provided in a more cost-effective manner through energy conservation programs and measures and energy efficiency and load management measures. This finding is supported by findings 19 through 24, below.

19. The E205W line serves as a conduit for power transfers between New England and New York, and also as a means of delivering electrical power from the Bear Swamp pumped-storage plant in Rowe, Massachusetts, into the regional transmission grid. Latulipe pf. at 10.

20. As a regional transmission provider, NEP is required to adhere to reliability standards and criteria established by the North American Electric Reliability Council ("NERC"), Northeast Power Coordinating Council ("NPCC"), New England Power Pool ("NEPOOL") and Independent System Operator of New England ("ISO-NE"). Latulipe pf. at 4-5.

21. The reliability standards and criteria established by NERC, NPCC, NEPOOL and ISO-NE require NEP to design, test, and operate NEP's transmission system so as to maintain adequate voltage and thermal margins, both normally and under specific contingency scenarios. If transmission-system simulations indicate that NEP's system will not be able to maintain adequate voltage and thermal margins, either normally or under specific contingency scenarios, NEP is required to plan for system upgrades that will bring the transmission system into compliance with the applicable reliability standards and criteria. Latulipe pf. at 5-6.

22. In May 2007, NEP completed a comprehensive analysis of its western Massachusetts, southern Vermont, and eastern New York transmission system to assess the reliability of the transmission system and to identify and confirm any reliability criteria violations. The analysis concluded that under certain scenarios, the E205W line would exceed its rated thermal capacity, which is a reliability criteria violation. Latulipe pf. at 3-4, 7.

23. The proposed project is being undertaken to bring NEP's transmission system into compliance with applicable reliability standards and criteria. This will be achieved by replacing the 795 AAC "Arbutus" conductor with the 795 ACSS "Condor" conductor, which has a sufficiently-higher thermal rating. Latulipe pf. at 8-9.

24. The proposed project is also driven by the need to replace transmission line components nearing the end of their useful service lives. Latulipe pf. at 3 and 10.

System Stability and Reliability

[30 V.S.A. § 248(b)(3)]

25. The proposed project will not adversely affect system stability and reliability. This finding is supported by findings 26 through 28, below.

26. The proposed project is expected to improve system reliability by increasing the capacity of the line, replacing transmission-line components nearing the ends of their useful service lives, and improving the lightning protection provided on the line. Latulipe pf. at 10.

27. The proposed project is being undertaken to alleviate the existing potential for thermal overload on the E205W line during N-1 and N-1-1 system scenarios. Latulipe pf. at 3.

28. The proposed project will have no impact on system stability. A letter dated December 17, 2007, from the ISO-NE, concludes that the proposed project "will not have a significant adverse effect on the stability, reliability or operating characteristics of NEP's transmission facilities, the transmission facilities of another Transmission Owner, or the system of a Market Participant." Latulipe pf. at 10-11; exh. DML-6.

Economic Benefit to the State

[30 V.S.A. § 248(b)(4)]

29. The proposed project will result in an economic benefit to the state and its residents. This finding is supported by findings 30 and 31, below.

30. The proposed project will increase electrical capacity and reliability on the E205W line. The improved reliability will provide an economic benefit to the region, including Vermont and its residents. Farrell pf. at 17.

31. The proposed project will further result in an economic benefit to the state and its residents through the employment of local labor to help construct the proposed project. Additionally, as new assets are being installed the value of the line increases, which in turn results in more taxes being paid on these assets to Readsboro and Whitingham. Letter from Nancy S. Malmquist, Esq., to Susan M. Hudson, Clerk of the Board, dated April 21, 2010, at 4.

Aesthetics, Historic Sites, Air and Water Purity, the Natural Environment and Public Health and Safety

[30 V.S.A. § 248(b)(5)]

32. The proposed project will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment and public health and safety. This finding is supported by findings 33 through 90, below, which are the criteria specified in 10 V.S.A. §§ 1424a(d) and 6086(a)(1)-(8)(a) and (9)(k).

Public Health and Safety

[30 V.S.A. § 248(b)(5)]

33. The proposed project will not have an undue adverse effect on public health and safety. Farrell pf. at 20.

34. The proposed project will comply with the National Electrical Safety Code. Farrell pf. at 19.

Outstanding Resource Waters

[10 V.S.A. § 1424a(d)]

35. No outstanding resource waters will be impacted by the proposed project. Lattrell pf. at 12; exh. WAL-2 at 10.

Water and Air Pollution

[10 V.S.A. § 6086(a)(1)]

36. The proposed project will not result in undue water or air pollution. This finding is supported by findings 35 through 42, below.

37. During the construction phase of the proposed project, there will be minimal air emissions from construction equipment and diesel- and gasoline-powered support vehicles. Lattrell pf. at 5.

38. Any cleared trees and brush will be chipped, not burned. Lattrell pf. at 5.

39. Dust-control measures will be taken when necessary and will consist of the application of water on unpaved construction access roads and other areas disturbed during construction. Lattrell pf. at 5.

40. The proposed project will not involve the discharge of waste or process water. Lattrell pf. at 6.

41. There are no existing or proposed point discharges of stormwater runoff from impervious surfaces associated with the E205W transmission line, either in the proposed project right-of-way or along the proposed project construction access routes. Lattrell pf. at 6.

42. All construction work will comply with National Grid's Environmental Guidance EG 303 for Erosion and Sediment Control ("National Grid's Erosion and Sediment Control Guidance"). Lattrell pf. at 6.

43. During construction NEP will employ erosion-control measures to ensure that water quality is protected. Lattrell pf. at 6.

44. Much of the right-of-way has existing access roads. The use of existing access roads, paths and trails will be maximized to the extent possible, thereby reducing the need for additional earth disturbance during construction. Lattrell pf. at 6-7.

Headwaters

[10 V.S.A. § 6086(a)(1)(A)]

45. The proposed project will meet all applicable health and environmental conservation regulations regarding reduction of the quality of the ground or surface waters flowing through or upon headwaters areas. This finding is supported by findings 44 and 45, below.

46. Given that the E205W right-of-way travels through an area above 1,500 feet in elevation with steep slopes and shallow soils on the southern third of this three-mile right-of-way in Vermont, it is within an area designated as headwaters. Exh. WAL-2 at 11.

47. The construction of the proposed project will incorporate measures to ensure that water quality standards are met. The crossing of streams and drainages will be avoided whenever there is a viable alternative. When it is necessary to cross streams or drainages, they will be temporarily bridged to avoid deleterious impacts. *See* Finding 40; exh. WAL-2 at 11.

Waste Disposal

[10 V.S.A. § 6086(a)(1)(B)]

48. The proposed project will not involve the disposal or injection of waste materials or harmful or toxic substances into the groundwater or wells. Lattrell pf. at 8.

Water Conservation

[10 V.S.A. § 6086(a)(1)(C)]

49. Other than for dust control, the proposed project does not involve the use of water. Lattrell pf. at 8.

Floodways

[10 V.S.A. §§ 6086(a)(1)(D)]

50. The proposed project does not involve development within floodways or floodway fringes. Exh. WAL-2 Appendix 1.

Streams

[10 V.S.A. § 6086(a)(1)(E)]

51. There are a total of ten waterway crossings within the proposed project area. There is one named perennial stream, Barrows Brook, in addition to other intermittent and ephemeral drainages. Streams and drainages located within the right-of-way generally have an intact shrub/scrub and herbaceous buffer area. Streams and drainages along existing right-of-way access roads have intact forested buffers. These areas will be maintained to the greatest extent practicable during the duration of the proposed project. All streams and drainages will be temporarily bridged or avoided during construction-related activities. Exh. WAL-2 at 16 and 17.

Shorelines

[10 V.S.A. § 6086(a)(1)(F)]

52. There are no structures located within a shoreline area. Exh. WAL-2 at 16.

Wetlands

[10 V.S.A. § 6086(a)(1)(G)]

53. The proposed project will have no undue adverse impacts to identified wetlands. This finding is supported by findings 52 through 55, below.

54. Three Vermont Class Two wetlands were identified along the right-of-way. Appropriate construction mitigation measures will be implemented to avoid adverse impacts to wetland functions and values. The proposed project will not violate the rules of the Water Resources Board relating to significant wetlands. Exhs. WAL-2 at 7, WAL-3.

55. The proposed project qualifies under the Vermont Wetland Rules as maintenance activities in the right-of-way and, as such, is an allowed use and does not require a Conditional Use Determination ("CUD"). Lattrell pf. at 5; exh. WAL-3.

56. An existing access road crosses some wetlands. The wetlands have formed as the result of storm erosion where runoff is now diverted across the right-of-way access road. This area did not require a CUD based on the Vermont Significant Wetlands Inventory Maps on the Vermont Department of Environmental Conservation website, which indicate these small wetland crossings are Vermont Class 3 Wetlands. Appropriate construction mitigation measures will be implemented to avoid adverse impacts to these wetlands. Lattrell pf. at 5.

57. The U.S. Army Corps of Engineers ("USACE") has determined that a stakeholder's meeting will be held for both the Massachusetts and Vermont portions of the E205W transmission line for areas where swamp mats may be required. All other aspects of the proposed project are exempt from USACE approval. Based on prior experience with the stakeholders, NEP anticipates that the temporary mats will be approved. Lattrell pf. at 5.

Discussion

If NEP's plan to use swamp maps where required is denied, NEP will need to establish an alternate plan to ensure that there is no undue adverse impact to these locations. NEP shall file

such alternate plans, if necessary, for Board approval, with copies to the parties, prior to commencing construction of the proposed project.

Sufficiency of Water and Burden on Existing Water Supply

[10 V.S.A. §§ 6086(a)(2)&(3)]

58. Other than for dust control, no additional water will be used as a result of the proposed project. The proposed project will not have water supply or wastewater connections. Lattrell pf. at 9.

Soil Erosion

[10 V.S.A. § 6086(a)(4)]

59. The proposed project will not result in unreasonable soil erosion or reduction in the capacity of the land to hold water. This finding is supported by findings 58 through 60, below.

60. Because there are some steep slopes within the proposed project area, there are soils that are susceptible to erosion. Exh. WAL-2 at 16.

61. Soil erosion will be prevented through adherence to National Grid's Erosion and Sediment Control Guidance. Lattrell pf. at 9; exh. WAL-2 at 16.

62. Adherence to National Grid's Erosion and Sediment Control Guidance and Best Management Practices will be accomplished by assigning an Environmental Compliance Monitor ("Monitor") to the proposed project during the construction phase. The Monitor will be a qualified environmental professional familiar with the proposed project's environmental compliance requirements, and will make regular site visits to ensure compliance. At a minimum, the Monitor will conduct weekly inspections of the construction activities, which will be documented on a pre-developed form. Lattrell pf. at 10.

Transportation Systems

[10 V.S.A. § 6086(a)(5)]

63. The proposed project will not cause unreasonable congestion or unsafe conditions with respect to local highways, which are the only applicable transportation facilities. This finding is supported by findings 62 through 67, below.

64. Although there will be a temporary increase in construction vehicles along highways to access the right-of-way, the duration of the proposed project, nature of the right-of-way, and anticipated single mobilization and demobilization of construction forces will not cause unusual congestion or unsafe traffic conditions in the affected towns. Farrell pf. at 17.

65. The activities that may impact traffic include access of the E205W right-of-way by construction equipment to and from public roads, delivery of line-construction materials from public roads and staging areas on the right-of-way, and the installation (stringing) of new power wires (conductor) over public roads. Equipment and materials for the proposed project will be transported via conventional truck transport. Farrell pf. at 18.

66. NEP will coordinate any work anticipated to affect municipal roadways with local police, safety officials, and Departments of Public Works. Farrell pf. at 18.

67. The proposed project will cross only two roads in Vermont: Lone Pine Road and Merrifield Road, both in the town of Whitingham. Farrell pf. at 18.

68. Should delivery of material require advance notification to the Vermont Agency of Transportation or Vermont State Police, these entities will be notified in advance of shipment of materials. Farrell pf. at 18.

69. The following practices will be employed in order to mitigate potential transportation-related impacts: (1) close coordination with local and state law enforcement to identify locations where traffic volume would dictate use of public safety personnel or others for traffic control; (2) preparation and implementation of traffic-management plans at high-traffic-volume locations; and (3) the placement of appropriate signage and temporary guard structures (wood poles with cross arms installed below the E205W conductors), or bucket trucks with booms horizontally extended under E205W conductors, in the road shoulder to ensure that the conductors are not allowed to sag within unsafe clearances (as determined by the National Electrical Safety Code,

2007) above roadways during conductor-stringing operations. Farrell pf. at 19.

Educational Services

[10 V.S.A. § 6086(a)(6)]

70. The proposed project will not cause an unreasonable burden on the ability of any municipality to provide educational services. Farrell pf. at 19.

Municipal Services

[10 V.S.A. § 6086(a)(7)]

71. The proposed project will not cause an unreasonable burden on municipal services. Farrell pf. at 20.

Aesthetics, Historic Sites
and Rare and Irreplaceable Natural Areas

[10 V.S.A. § 6086(a)(8)]

72. The proposed project will not have an undue adverse impact on the scenic or natural beauty, aesthetics, historic sites, or rare and irreplaceable natural areas. This finding is supported by findings 71 through 83, below.

73. The average pole height increase will be 2.9 feet and will be difficult to detect. Cudnohufsky pf. at 2 and 3.

74. Only infrequent, fleeting glimpses of the corridor are possible, from eight vantage points. The majority of these views exist at a substantial distance, reducing the poles to a very small proportion of the views, with taller hills and continuous dense forest predominating. Cudnohufsky pf. at 5.

75. The poles will not be readily visible unless they are being sought out, or in the few locations where the line crosses a rural road. Even in the three instances where the corridor and structures are seen at road crossings and thus at closer proximity, the predominating visual impacts were created by the initial clearing of the corridor and the construction of the two lines, not by the proposed project. Cudnohufsky pf. at 6.

76. The proposed project is within an existing right-of-way and is often within a backdrop of taller woodlands and wooded hillsides. Cudnohufsky pf. at 3.

77. No Rare Irreplaceable Natural Communities were identified within the proposed project area. Due to the nature of the proposed project, there would be negligible impacts to such communities if they did exist. Exh. WAL-2 at 14.

78. The proposed project will have no effect on any property that is listed or eligible for listing in the State/National Registers of Historic Places. Olausen pf. at 4; exh. SAO-2 at 11.

79. The Vermont Division of Historic Preservation agreed that the proposed project will not result in adverse effects on historical properties in the proposed project area. Olausen pf. at 5.

80. The Phase IA archaeological reconnaissance survey determined the presence of twelve recorded archaeological sites within one-half mile of the proposed project Area of Potential Effect in Vermont. These sites include one Native American site of unknown temporal-cultural affiliation and eleven post-contact period Euro-American residential and industrial sites. Cherau pf. at 3.

81. The proposed project right-of-way also contains one undocumented Euro-American site containing the structural remains of a springhouse and a nearby foundation that provided water supply, which may be associated with the Hoosac Tunnel and Wilmington Railroad and/or nearby small-scale lime industrial activities along the Deerfield River in the town of Readsboro. Cherau pf. at 3-4.

82. The survey identified 19 of the 28 pole replacement work areas within the existing transmission line right-of-way in Vermont as being archaeologically sensitive for Native American and Euro-American archaeological deposits. Cherau pf. at 4.

83. Subsurface testing as part of a Phase IB archaeological survey is currently scheduled for the spring of 2010. The areas proposed for subsurface testing include the 19 pole-replacement work areas within archaeologically sensitive portions of the existing transmission line right-of-way in Vermont. These sensitive areas and the Phase IB survey testing methodology were agreed upon by representatives of the Vermont Division for Historic Preservation, NEP, and NEP's archeological consultant. Cherau pf. at 4-6; exhs. SGC-3, SGC-4.

84. The purpose of the Phase IB survey will be to locate and identify any potentially

significant archaeological resources within project impact areas. The testing will be sufficient to provide a preliminary indication of the type, integrity, and potential significance of any identified below-ground resources. Cherau pf. at 4-5.

85. The Phase IB survey testing needs to be conducted to determine the presence of any significant archaeological resources in proposed project impact areas and to determine whether there may be any adverse effects to archaeological properties. Cherau pf. at 5.

Discussion

The Phase IB survey has not yet been conducted, so we do not yet know if there are significant archaeological resources within the project impact areas, if construction of the proposed project would have an undue adverse effect on these resources, or what construction mitigation techniques would be appropriate to avoid any undue adverse effects. Therefore, upon completion of the Phase IB survey, NEP must file the results of the survey with the Board for a determination, prior to commencement of construction, that no further mitigation is necessary. If the survey results show there to be significant archaeological resources in the project impact areas, NEP shall file for Board approval, with copies to the parties, prior to commencing construction, a plan for implementing construction mitigation techniques that will avoid undue adverse effects to these resources.

Necessary Wildlife Habitat and Endangered Species

[10 V.S.A. § 6086(a)(8)(A)]

86. The proposed project will not destroy or significantly imperil necessary wildlife habitat or any endangered species. This finding is supported by findings 85 through 87, below.

87. No rare, threatened, or endangered animal species were identified or observed within the proposed project area during field surveys. Exh. WAL-2 at 14.

88. No resources mapped by the Vermont Non-Game and Natural Heritage Program or mapped deer wintering habitat areas are along the evaluated area of the right-of-way and access routes for the proposed project. Exh. WAL-2 at 15.

89. There are no known occurrences of federally endangered or threatened species in Whitingham or Readsboro. Exh. WAL-2 at 15; Lattrell pf. at 11.

Development Affecting Public Investments

[10 V.S.A. § 6086(a)(9)(K)]

90. The proposed project will not unnecessarily or unreasonably endanger the public or quasi-public investments in facilities, services, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of the public's use or enjoyment of or access to such facilities, services, or lands. The E205W does not impact areas that could be quantified as public investments. Farrell pf. at 20.

Least-Cost Integrated Resource Plan

[30 V.S.A. § 248(b)(6)]

91. NEP maintains a relationship with TransCanada Hydro Northeast ("TransCanada ") and Island Corporation ("Island ") wherein TransCanada and NEP deliver power to Island in exchange for certain mill powers.

92. The proposed project is consistent with principles of least-cost planning. The proposed project meets the public's need for energy services by maintaining system reliability at the lowest economic cost. It is driven by the need for a reliable power transmission system in the region, rather than by load growth; therefore a demand-side management program cannot readily address the need for the proposed project. Letter from Nancy S. Malmquist, Esq., to Susan M. Hudson, Clerk of the Board, dated June 8, 2010, at 2.

Discussion

NEP does not currently have a Board-approved Integrated Resource Plan ("IRP"). Even if NEP requires an IRP, pursuant to Section 218c, due to its relationship with TransCanada and Island, the lack of an IRP does not preclude the issuance of a CPG as long as the proposed project is consistent with the principles for resource selection pursuant to Section 248(b)(6). *Petitions of Vermont Electric Power Company, Inc. and Green Mountain Power Corporation*, Docket 6860, Order of 1/28/05 at 61. Because the proposed project is consistent with those principles, we conclude that it satisfies Section 248(b)(6).

Compliance with Electric Energy Plan

[30 V.S.A. § 248(b)(7)]

93. The Vermont Electric Plan, dated January 19, 2005, highlights (in section 7) the need for a reliable transmission system and notes the interconnectedness of the region's transmission lines. Farrell pf. at 21.

94. The proposed project comports with the State Electric Plan because it is a reliability project that will allow for the rebuilding, with minimal impact, of an important transmission line that provides electrical power to communities in southern Vermont. Farrell pf. at 22.

95. On May 10, 2010, the Department submitted a determination that the proposed project is consistent with the Vermont Electric Plan. *See* DPS Determination.

Outstanding Resource Waters

[30 V.S.A. § 248(b)(8)]

96. No outstanding resource waters are located within the vicinity of the proposed project. Exh. WAL-2 at 17; Lattrell pf. at 11.

Waste to Energy Facilities

[30 V.S.A. § 248(b)(9)]

97. The proposed project is not a waste-to-energy facility, therefore, this criterion is not applicable. Farrell pf. at 22.

Existing or Planned Transmission Facilities

[30 V.S.A. § 248(b)(10)]

98. The reconductored and refurbished transmission line will continue to be a part of transmission facilities that are already located in the area without any undue adverse effect on Vermont utilities or customers. Farrell pf. at 22.

IV. CONCLUSION

Based upon all of the above evidence, we conclude that the proposed project will be of limited size and scope; the petition does not raise a significant issue with respect to the substantive criteria of 30 V.S.A. § 248; the public interest is satisfied by the procedures authorized by 30 V.S.A. § 248(j); and the proposed project will promote the general good of the state.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board ("Board") of the State of Vermont that:

1. The proposed project of New England Power Company, d/b/a National Grid ("National Grid"), to reconductor and refurbish the E205 Transmission Line in the towns of Readsboro and Whitingham, Vermont, will promote the general good of the State of Vermont in accordance with 30 V.S.A. Section 248, and a certificate of public good to that effect shall be issued.

2. Construction, operation, and maintenance of the proposed project shall be in accordance with the plans and evidence as submitted in this proceeding. Any material deviation from these plans must be approved by the Board.

3. National Grid shall obtain all necessary permits and approvals.

4. National Grid shall implement appropriate construction mitigation measures, consistent with its Erosion and Sediment Control Guidance plan, to prevent soil erosion and avoid adverse impacts to wetlands in the proposed project areas.

5. National Grid shall employ a qualified environmental professional to monitor construction activities, and shall immediately correct deficiencies in erosion controls as documented by the monitor.

6. If the use of temporary swamp mats is not approved by the U.S. Army Corps of Engineers for use in wetland areas, National Grid shall file for Board approval, with copies to the parties, prior to commencing construction, an alternate plan to ensure that construction of the proposed project does not result in undue adverse impact to these locations.

7. National Grid shall file a report with the Board, with copies to the parties, on the results and findings of the completed Phase IB archeological testing, for a Board determination, prior to commencement of construction, that no further mitigation is needed for impacts to archeological resources. If the survey results show there to be significant archaeological resources in the project impact areas, National Grid shall file for Board approval, with copies to the parties, prior to commencing construction, a plan for implementing construction mitigation techniques that will avoid undue adverse effects to these resources.

Dated at Montpelier, Vermont this 19th day of July, 2010.

s/ James Volz)
)
) PUBLIC SERVICE
)
s/ David C. Coen) BOARD
)
) OF VERMONT
s/ John D. Burke)

OFFICE OF THE CLERK

FILED: July 19, 2010

ATTEST: s/ Susan M. Hudson
Clerk of the Board

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.